

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4911 of 1986

For Approval and Signature:

Hon'ble MR.JUSTICE R.A.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements?

2. To be referred to the Reporter or not?

3. Whether Their Lordships wish to see the fair copy of the judgement?

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?

5. Whether it is to be circulated to the Civil Judge?

1 to 5: No

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ABHESINH MANSINH RATHOD

Versus

DIVISIONAL CONTROLLER

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Appearance:

MR HK RATHOD for Petitioner

MR HARDIK C RAWAL for Respondent No. 1

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CORAM : MR.JUSTICE R.A.MEHTA

Date of decision: 19/03/98

ORAL JUDGEMENT

1. The petitioner, a ST Driver who has been dismissed from service on account of misconduct of negligent driving, in his case, the Labour Court came to the conclusion that looking to the facts of the case of the motor cyclist and the ST bus meeting the accident, the case did not appear to be of exclusive negligence of the ST Driver. The Labour Court held that the negligence of the ST Driver cannot be said to be so serious as to

attract the dismissal of the ST Driver from service and, therefore, he was directed to be reinstated with 50% back wages.

2. The petitioner-ST Driver contends that he should have been awarded full back wages. Having regard to the misconduct, the nature and gravity of it, the Labour has exercised discretion and awarded him 50% back wages.

3. There is no case made out for any interference. Hence the petition is dismissed. Rule discharged.

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mhs/-